

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

BRIAN DAVID MATTHEWS,

Plaintiff,

v.

JOHN DOE THORNHILL, *et al.*,

Defendants.

Case No. C07-5376RJB

ORDER ON PENDING
MOTIONS

Due to the fact that Plaintiff filed an Amended Complaint (Doc. 52) during the objection period, the Court rejected the report and recommendation on Defendants' Motion to Dismiss Plaintiff's claims and causes of action contained in the original Complaint (Doc. 4). After reviewing the record, the undersigned now finds and orders as follows:

(1) The filing of the Amended Complaint and the order issued on February 22, 2008, essentially restarts this matter from the beginning. Accordingly, Defendants shall serve and file their Answer, or response, to the Amended Complaint by not later than **April 18, 2008**.

(2) Plaintiff's pending motions are each **DENIED**. The motions request either enter of default and/or default judgment. The Federal Rules of Civil Procedure require defendants to answer a complaint within twenty (20) days from the date being served with the summons and complaint, or if service of the summons was timely waived, within sixty (60) days after the date when the request for waiver was sent. Fed. R. Civ. P. 12(a). If a defendant fails to respond within that time, a default judgment may be entered. Benny v. Pipes, 799 F.2d 489, 492 (9th Cir. 1986), *cert. denied*, 108 S.Ct. 198 (1987). Default judgments

